



PATENT
Attorney Docket No. 09812.0461-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Nobuyuki KIHARA et al.)
) Group Art Unit: 2143
Application No.: 09/674,441)
) Examiner: Shin, Kyung H.
Filed: November 1, 2000)
) Confirmation Number: 8620
For: DATA PROCESSING DEVICE,)
DATA PROCESSING METHOD,)
TERMINAL UNIT, AND)
TRANSMISSION METHOD FOR)
DATA PROCESSING DEVICE)

Attention: Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Pursuant to 37 C.F.R. § 41.41, Appellants present this Reply to the Examiner's

Answer mailed February 19, 2008.

REMARKS

I. Status of Claims

In response to the Information Disclosure Statement filed on January 3, 2007, and the Board of Patent Appeals and Interferences' Order Returning Undocketed Appeal to Examiner mailed April 10, 2007, the Examiner maintained the rejection of claims 1-4 and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Stock et al.* (U.S. Patent No. 6,011,858) in view of *Tanaka et al.* (U.S. Patent No. 5,682,549). The Examiner's Answer also includes a new rejection of claims 1-4 and 16 under 35 U.S.C. § 102(e) as being anticipated by *Ichimura et al.* (U.S. Patent No. 6,034,832).

Further to 37 C.F.R. § 41.39(b)(2), Appellants maintain the appeal.

II. Response to Examiner's Arguments in the Answer

Appellants traverse the Examiner's rejection of claims 1-4 and 16 under 35 U.S.C. § 103(a) for the reasons set forth in the Appeal Brief filed on May 26, 2006, and the Reply Brief filed on November 7, 2006.

Appellants traverse the Examiner's new rejection of claims 1-4 and 16 under 35 U.S.C. § 102(e). The Examiner has not demonstrated that *Ichimura et al.* anticipates the claimed invention.

The claimed invention prevents unauthorized copying of files from a large capacity memory (e.g., a hard disk drive) to a non-volatile memory (e.g., a memory card) by utilizing the move/copy history of a particular file. Prior to a particular file being moved or copied from the large capacity memory to the non-volatile memory, move/copy history information may be created and stored in a non-volatile memory

NVRAM. If it is determined that the move/copy history information of that particular file has already been stored in the non-volatile memory NVRAM, the move or copy request is denied.

Ichimura et al. does not disclose preventing unauthorized copying of files from a large capacity memory to a non-volatile memory by utilizing the move/copy history of a particular file. On the contrary, *Ichimura et al.* discloses preventing unauthorized copying between recording media (e.g., DVDs) utilizing copy history related to the copy of recording media, which is recorded as management information on the recording media. (*Ichimura et al.*, 1:11-15, 1:65-2:7, 8:6-9, and 10:31-34.) Because *Ichimura et al.* is directed to copying between the same type of recording media (e.g., DVD to DVD), *Ichimura et al.* does not disclose memory means for storing move/copy history indicative of the movement of a particular file when the particular file is moved/copied from a large capacity memory means to a non-volatile memory.

Claim 1 of this application recites a “memory means,” a “large capacity memory means,” and a “non-volatile memory.” The “memory means” stores “move/copy history indicative of the movement of a particular file when the particular file is moved/copied from said large capacity memory means to a non-volatile memory.” In addition, claim 1 recites that the “memory means” is referenced “when [a] particular file is moved/copied from said large capacity memory means to the non-volatile memory.” Accordingly, as claimed, the “memory means” is distinct and separate from the “large capacity memory means” and the “non-volatile memory.” *Ichimura et al.* does not teach or suggest the claimed “memory means.” Instead, *Ichimura et al.* discloses that data related to the

copy history of the recording medium is written on the recording medium itself. (*Id.* at 8:6-9, 9:14-20, and 10:31-34.)

Ichimura et al. thus fails to teach or suggest the claimed subject matter.

Accordingly, *Ichimura et al.* cannot anticipate claim 1. Thus, claim 1 is allowable for at least these reasons. Claims 2-4 are also allowable at least due to their depending from claim 1 and because they recite features not taught or suggested by *Ichimura et al.*

For example, dependent claim 4 recites “wherein said memory means is composed of flash memory.” In rejecting claim 4, the Examiner cites to column 4, lines 30-37 of *Ichimura et al.* (*Examiner’s Answer*, p. 6.) However, as indicated in the cited passage, *Ichimura et al.* discloses that the copy management data, which includes copy history, is “recorded as management information on digital copy in the disc 1.” (*Ichimura et al.*, 4:30-32.) Disc 1 is a DVD, not flash memory, as recited in dependent claim 4. (*Id.* at 3:51-52.)

Independent claim 16, while of different scope, is allowable over *Ichimura et al.* for at least the same reasons discussed above in regard to claim 1.

III. Conclusion


For the reasons set forth above, supplementing those presented in the Reply Brief filed on November 7, 2006, and the Appeal Brief filed on May 26, 2006, Appellants respectfully submit that the rejections of claims 1-4 and 16 are in error and should be reversed.

If there are any fees due that are not enclosed herewith, please charge such fees
to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: April 18, 2008

By: 

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